

#170 INT. Summary
2/22/02
PJ

Interview Summary

Application No.

09/636,185

Applicant(s)

GFRBFR ET AL.

Examiner

Patricia A Patten

Art Unit

1651

All participants (applicant, applicant's representative, PTO personnel):

(1) Patricia A Patten.

(3) _____

(2) Dave Saliwanchik.

(4) _____

Date of Interview: 22 February 2002.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 2.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed enablement rejections with regard to 'HF-1 factor' as well as 'other microbes' associated with nemotodes. Discussed limiting claim 2 particularly to microorganisms present in nemotodes which specifically hybridize to the DNA sequence as disclosed in the Specification. Examiner will fully consider any amendments to the claims upon entry.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Proposed Agenda for Personal Examiner Interview
Serial No. 09/636,185 (GER-100XC1)

Time: 10:00 a.m.

Date: February 22, 2002

I. Nature of the Invention

For years researchers have been attempting to grow *Pasteuria* in sufficient quantities to facilitate practical commercial use of these natural pesticides. Unfortunately, to date, all such efforts have been unsuccessful. Even the cited Reese *et al.* articles did not yield methods for sustained culturing of *Pasteuria*. Quite surprisingly, and fortuitously, the current inventors found that, by not disinfecting the growth medium, *Pasteuria* could be made to grow continuously and form endospores. It was then determined that at least one microorganism (other than *Pasteuria*) present in the culture was responsible for the ability of the *Pasteuria* to grow. This was a major breakthrough which had never before been suspected. Having made this discovery, it is now straightforward to identify other microbes which facilitate *in vitro Pasteuria* growth. Through straightforward *in vitro* procedures the skilled artisan can readily determine which microbes promote *Pasteuria* growth.

II. 35 USC §112 Rejections

- Culture Deposit has been made under Budapest Treaty and deposit number will be provided.
- Proposals for more narrow claims:
 1. *Enterobacter*, *Pseudomonas* or *Pantoea*
 2. Microbes found in association with nematodes
 3. Motile rods
 4. Microbes having DNA which hybridizes with exemplified sequence
- Cancel claims 29 and 30

III. Prior Art Rejections

- Cited references can be briefly discussed but amendments for USC §112 purposes should render moot the prior art rejections

FACSIMILE COVER SHEET

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TO: Examiner Patricia Patten

COMPANY: U.S. Patent Office, Group Art Unit 1651

FAX NUMBER: (703) 746-5305

FROM: David R. Saliwanchik

DATE: February 20, 2002

NUMBER OF PAGES (INCLUDING COVER SHEET): 2

MESSAGE:

Re: Serial No. 09/636,185; filed August 10, 2000

INFORMAL COMMUNICATION

PLEASE DELIVER TO EXAMINER PATTEN